

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: . Case No. 18-36862-cgm  
ALEXANDER BERNARD KASPAR, . Chapter 11  
355 Main Street  
Debtor. . Poughkeepsie, NY 12601  
-----X October 5, 2021

**18-36862-cgm**

**Alexander Bernard Kaspar**

*Ch. 11*

Doc# 270 Notice of Adjournment of Hearing RE: Case  
Conference; hearing held and adjourned to 10/5/2021 at  
09:00 AM at Videoconference (ZoomGov) (CGM).

HONORABLE CECELIA MORRIS  
UNITED STATES BANKRUPTCY JUDGE

APPEARANCES (TELEPHONIC):

FOR THE DEBTOR : MATTHEW CABRERA, ESQ.  
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SPECIAL COUNSEL FOR LEWIS D. WROBEL, ESQ.  
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FOR THE U.S. TRUSTEE: ALICIA LEONARD, ESQ.  
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Albany, New York 12207

MARC J. GROSS, ESQ.  
Wilson, Elser, Moskovitz, Edelman,  
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*Proceedings digitally recorded.*  
*Transcript produced by: Melissa Estep*

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1 (Proceeding commences)

2 THE COURT: 18-36862, Alexander Kasper.

3 MR. CABRERA: Good morning, Your Honor.

4 Matthew Cabrera, M. Cabrera & Associates, for the Debtor.

5 MS. LEONARD: Good morning, Your Honor.

6 Allicia Leonard, for the United States Trustee.

7 MR. WROBEL: Good morning, Your Honor.

8 Lewis D. Wrobel, of counsel with Handel & Carlini,

9 Special Counsel for the Town of Putnam Valley.

10 THE COURT: Anyone else? You're on mute.

11 Marc, I don't see your last name, but you're on mute. We

12 did not hear you. You're not speaking. And I'm -- you

13 need to put your whole name on the screen. You're

14 connected to the audio now. State your name. You're not

15 connected.

16 MR. CABRERA: I think he's still on mute,

17 Your Honor.

18 THE COURT: You're on mute. It said it was

19 connecting, but it doesn't.

20 MR. GROSS: Your Honor, I apologize.

21 (Inaudible)

22 THE COURT: Okay. State your name and

23 affiliation.

24 MR. GROSS: Thank you, Your Honor. Marc J.

25 Gross, on behalf of the County of Putnam, Department of

1 Finance. My apologies.

2 THE COURT: Very good. Very good, Mr.  
3 Cabrera. What's going on?

4 MR. CABRERA: I filed the status update,  
5 Your Honor. There has been progress with the sale of the  
6 parcels, as per the status report. We have an offer of  
7 sale. Excuse me. An offer --

8 THE COURT: When did you file -- when did  
9 you file the status report?

10 MR. CABRERA: Friday, Your Honor. We have a  
11 offer from Hudson Highlands Land Trust. They were  
12 originally offering to buy the properties, all the  
13 properties, except for Gilbert Lane. There's been a new  
14 offer to purchase the 239 acre parcel and the one acre  
15 parcel, as designated in the status letter. The  
16 contracts have been signed. And as I said, I'll be  
17 looking to file a motion to approve the sale of those two  
18 parcels.

19 In regards to taxes, which came up, just an  
20 update or a correction, Your Honor, when I referred to  
21 the taxes being paid, and agreements being made, those  
22 were in regards to post-petition taxes. They do not  
23 address the pre-petition taxes that are still owed on  
24 several of the parcels. But as per the status report,  
25 all taxes have been paid on parcel 72-1-47, as well as

1 72.19-1 (inaudible).

2 THE COURT: Post-petition. Be clear on the  
3 record. Post-petition taxes.

4 MR. CABRERA: That is correct.

5 THE COURT: Okay.

6 MR. CABRERA: There is an agreement that is  
7 in place. Mr. Kaspar, we had an agreement last time,  
8 verbally. They reduced it to writing. I believe they're  
9 still waiting from the tax -- from the county, an actual  
10 payment report, but the underlying agreement has been  
11 agreed to. We should have that report, and that's for  
12 parcel 72-1-50.

13 As far as the sale, the sale includes parcel  
14 83-1-1, and all taxes. Obviously both pre-petition and  
15 post-petition will be paid from that sale on that  
16 particular parcel.

17 THE COURT: And the insurance update?

18 MR. CABRERA: The insurance, as far as my  
19 communications with the trustee's office, all insurance  
20 has been provided and is accurate and up-to-date, as per  
21 my prior conversation with the, approximately -- about a  
22 week or so ago.

23 THE COURT: Ms. Leonard.

24 MS. LEONARD: Yes, Your Honor. Mr. Cabrera  
25 is correct on the insurance. I think we need a little

1 bit of clarity on how much -- you know, how much of the  
2 post-petition taxes have been paid, when, and etcetera.  
3 These payments are not in the Debtor's operating reports,  
4 and my -- I surmise that the -- Ms. DeLabaro (phonetic)  
5 paid those taxes. But that should be -- those payments  
6 are, you know, essential to the case, and should be  
7 reflected in the operating reports.

8 And also, the Debtor should clarify, you  
9 know -- even though it's a close party, the Debtor would  
10 be required to file a motion, under 364, to incur post-  
11 petition debt. We don't know what this is, whether it's  
12 a gift or whether it's debt, so we do need clarity. I  
13 have an unsigned copy of the agreement with the county.  
14 I think it's the county. But it's very, very vague, and  
15 very little information on what the payment plan is, and  
16 how much the taxes due and owing are, and the term -- and  
17 interest rate, if any. So I think that that -- those  
18 documents also need to be provided to the parties.

19 MR. CABRERA: I can provide that easily,  
20 either in an updated status report, Your Honor --

21 THE COURT: Well, you should've done it  
22 sooner. You should've done it sooner rather than later.  
23 You know this is an open -- Chapter 11 is open, you've  
24 got to do it openly. So get that done ASAP.

25 MR. CABRERA: Not a problem, Your Honor.

In Re Alexander Bernard Kaspar

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1 THE COURT: Now the -- this --

2 MR. CABRERA: That should work.

3 THE COURT: You keep talking about this 363  
4 sale. When are we having it? What are we doing? Who's  
5 in charge? What's this? And when you filed the  
6 documents, so just that late, it's hard for us to keep up  
7 with -- you know, filing stuff on the docket.

8 MR. CABRERA: I haven't filed the motion  
9 yet, Your Honor. I got confirmation. The sale is  
10 between, as I said, Hudson Highlands Land Trust for the  
11 two parcels, as listed in the status report. So there  
12 are five parcels for this whole particular group of  
13 properties, the 72-47, 72-50. Those two are still up and  
14 still listed for sale. We don't have that much progress  
15 on those at this time.

16 I believe there was an offer on the 72-150,  
17 but it came in a little bit too low. There is the other  
18 parcel, which is the Gilbert Lane, which is the house.  
19 That has also had an offer to purchase that particular  
20 property. Those negotiations are ongoing with that  
21 potential buyer, as well as their ongoing negotiations  
22 with the creditor, which holds a mortgage on that  
23 particular property.

24 MR. GROSS: Your Honor, if I may.

25 THE COURT: (Inaudible)

1 MR. GROSS: In the status report and as  
2 counsel has indicated, there is a contract with Hudson  
3 Highlands Trust, what is the purchase price, and how much  
4 is the down payment that's being held?

5 MR. CABRERA: The purchase price was  
6 approximately \$798,000, and I believe the deposit was  
7 approximately 73,000. That will obviously be included in  
8 the motion for approval of the sale. Thank you.

9 THE COURT: We're sort of -- we're sort of  
10 flying blind here, when we didn't have that information.  
11 And even in January you said a sell motion would be  
12 pending. But you've got somebody going. Let's get this  
13 motion on, so we (inaudible) what's going on. Well, no,  
14 it fell apart. Trust me. I know it fell apart.

15 MR. CABRERA: Yes. That's okay.

16 THE COURT: Let's -- if -- a burden of hand  
17 means you'd better move fast.

18 MR. CABRERA: I've been trying, Your Honor.  
19 We were trying to do this all as one big package deal,  
20 which was the original offer. That didn't work out.  
21 There was a buyer, potentially. We call him the  
22 California buyer. The numbers just didn't work out. And  
23 then the -- Mr. Kaspar, the Debtor, and the other co-  
24 owner of the properties decided to break them up and sell  
25 them separately, and so far that looks like their plan is

1 going to bear fruit. There's going to be more funds  
2 coming in from the sale of the underlying properties  
3 individually, than selling them together. But I will  
4 have the motion filed for the sale, with regards to  
5 (inaudible) trust. I will update the Court with regards  
6 to the taxes.

7 Finally, ECMS, the environmental company,  
8 they filed their report with the state, the EC, three  
9 months ago. I've heard basically nothing back from the  
10 state. ECMS has heard nothing back from the state. ECMS  
11 is telling me that basically they're having difficulty  
12 communicating with them. Apparently issues with  
13 staffing, or what have you, or review time. I don't  
14 know. We're kind of at the mercy with the state, with  
15 regards to approval of the remediation plan on that one  
16 particular parcel, which is the 72-47, but that's the  
17 only update I have, with regards to the approval process  
18 for the remediation plan.

19 THE COURT: Okay. All right. Let's come  
20 back on 11-2, that you get some motions and some stuff in  
21 front of us, so we know what's going on.

22 MR. CABRERA: Absolutely, Your Honor.

23 MS. LEONARD: Thank you, Your Honor.

24 MR. WROBEL: Thank you, Your Honor.

25 MR. GROSS: Thank you, Your Honor.



1 THE COURT: Keep us a little more up-to-date  
2 than just three days ahead of time. It just helps us.  
3 So thank you.

4 MR. CABRERA: I will make sure that all the  
5 information in the next report, and I will update this  
6 current one that I just filed, Your Honor.

7 THE COURT: Thank you so much.

8 MR. CABRERA: Thank you, Your Honor.

9 THE COURT: Good luck with all this.

10 MR. CABRERA: Still pounding through this,  
11 Your Honor.

12 THE COURT: Yeah. (Inaudible)

13 (Proceedings concluded)

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C E R T I F I C A T E

I, Melissa Estep, certify that the foregoing transcript  
is a true and accurate record of the proceedings.

Signature Melissa Estep

11 Market Street, Suite 215  
Poughkeepsie, New York 12601  
Date: October 11, 2021